



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/669,313    09/25/00    STROMBACK

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PM82/1003

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EXAMINER

VARNER, S

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 10/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/669,313

Applicant(s)

STROMBACK, GUSTAV M.

Examiner

Steve M Varner

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12-15 is/are rejected.
- 7) ☒ Claim(s) 4-11 and 16-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall.

Regarding claim 1, Hall shows a short extension (near 254) and a long extension (near 254) with a connection-locking slot (near 254).

Regarding claim 2, Hall shows front and back faces on the short and long extensions. The long extension front face covers the short extension front face and part of the short extension back face.

Regarding claim 3, Hall shows covering of one-half of the back face of the short extension.

Regarding claim 12, Hall shows sheet metal (Abstract). (Fig. 3)

Regarding method claims 13, 14, 15, the method claimed is the obvious method of making Hall's load bearing beam having corrosion resistant cladding.

### ***Claim Objections***

Claims 4-11, 16-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 4 is allowable for one reinforcing rib.

Claim 5 is allowable for two reinforcing ribs.

Claim 6 is allowable for a rectangle with the reinforcing ridge on one side and the reinforcing rib on the other and a strength indent on a side.

Claim 7 is allowable for two strength indents, one on each side.

Claim 8 is allowable for four strength indents, two on each side.

Claim 9 is allowable for two reinforcing ribs on the sides of the reinforcing ridge.

Claim 10 is allowable for two reinforcing ribs on the side facing the reinforcing ridge and a strength indent on each side.

Claim 11 is allowable for two reinforcing ribs on the side facing the reinforcing ridge and two pairs of strength indents, one pair on each side.

Claim 16 is allowable for forming a rectangular shape with a reinforcing ridge in one side and forming one reinforcing rib in the side facing the reinforcing ridge.

Claim 17 is allowable for forming two reinforcing ribs in the side facing the reinforcing ridge.

Claim 18 is allowable for forming one strength indent in a side adjacent to the reinforcing ridge.

Claim 19 is allowable for forming a pair of strength indents, one on each side adjacent to the reinforcing ridge.

Claim 20 is allowable for forming two pairs of strength indents, one pair on each side adjacent to the reinforcing ridge.

**Conclusion**

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knudson et al. shows metal beams with thermal break and methods. Nicolai et al. teaches a frame leg for a back of a switchgear cabinet. Lisec reveals a hollow profile for spacer frames for insulating glass panes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV

August 27, 2001



Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600